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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,686	10/23/2001	Karl V. Swanke	BUR9-2001-0015-US1	3174
29154	7590	03/01/2006	EXAMINER	
FREDERICK W. GIBB, III GIBB INTELLECTUAL PROPERTY LAW FIRM, LLC 2568-A RIVA ROAD SUITE 304 ANNAPOLIS, MD 21401			JARRETT, SCOTT L	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/001,686

Applicant(s)

SWANKE ET AL.

Examiner

Scott L. Jarrett

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/23/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. Figure 4 is objected to. Figure 4 should be designated by a legend such as -- Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Title***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: System and Method for Monitoring Project Progress and Coordinating Project Resources.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons et al.'s Software Project Planning Associate (SPPA) as evidenced by at least Simmons et al., Software Project Planning Associate (SPPA): A Knowledge-Based Approach for Dynamic Software Project Planning and Tracking (2000) in view of Microsoft Project 2000 as evidenced by at least Pyron et al., Using Microsoft Project 2000 – Special Edition (2000).

Regarding Claims 1, 8 and 15 SPPA teaches a system and method for coordinating resources to complete a (design) project comprising (Abstract):

- identifying tasks that must be finished to complete the project based on (design) project data (Column 1, Paragraph 2, Page 305; Column 1, Paragraph 2, Page 306; Section 5.2, Page 309);
- assigning the tasks to a plurality of resources (Column 1, Paragraph 2, Page 305; Column 2, Paragraphs 5-6, Page 306);
- prioritizing the tasks based on dependency between the tasks to create a project plan (Column 2, Paragraph 3, Page 305; Column 1, Paragraphs 1-2 and Last Paragraph, Page 306; Figure 3);

- storing the project plan (system, database, file, etc.; Column 2, Paragraph 2, Page 306; Section 4, Pages 307-308; Section 5.1, Page 308; Figure 1);
- notifying the resources of corresponding task responsibilities and associated due dates based on the project plan (project plan, task assignments, etc.; Column 1, Paragraph 2, Page 307; Column 2, Bullets 1-2, Page 309; Column 1, Bullet 4, page 310);
- automatically monitoring work being performed on the tasks through a computerized network (PAMPA; Column 1, Last Paragraph, Page 306; Section 3, Page 307; Section 5.2, Page 309); and
- automatically notifying a project team leader (project member, project/program manager, project management office, etc.) of task completion status, overdue tasks and tasks being ignored based on the monitoring (not started, no activity, etc.; Section 5.2, Page 309).

SPPA further teaches the utilization of a plurality of well know project management standards, guidelines and tools (IEEE, SEI; Column 2, Paragraphs 3-5, Page 306).

SPPA does not expressly teach *controlling the access* to the project data or *automatically notifying* the resources of corresponding task responsibilities and associated due dates based on the project plan through the use of *keys* as claimed.

MS Project teaches controlling access to the (design) project data through the use of the (encryption) keys (logon, name/password, resource ID, etc.) assigned to the resources (logon; Figure 15.2, Chapter 15, Page 2 of 15) as well as automatically notifying the resources of corresponding task responsibilities and associated due dates based on the project plan through the use of keys (identifiers, name/password, resource id, etc.; MS Project Central, TeamUpdate; Chapter 15, Bullets 1-4, Page 4 of 7; Figure 15.3) in an analogous art of project management for the purposes of providing secure/controlled access to the project and facilitating project communication.

More Generally MS Project teaches a system and method for coordinating resources for one or more projects wherein the system/method comprises:

- identifying tasks that must be finished to complete the project based on (design) project data (Introduction, Page 6 of 12; Figure 6; Chapter 5, Page 1 of 4);
- assigning the tasks to a plurality of resources (Chapter 5, Page 2 of 23; Figure 5.30; Chapter 9, Page 2 of 6; Figure 9.2; Chapter 10, Page 1 of 39; Chapter 15, Page 1 of 11);
- prioritizing the tasks based on dependency between the tasks to create a project plan (Chapter 5, page 1 of 3; Chapter 6, Page 2 of 11; Figure 6.1);
- automatically notifying the resources of corresponding task responsibilities and associated due dates based on the project plan through the use of keys (identifiers, name/password, resource id, etc.; Chapter 15, Bullets 1-4, Page 4 of 7; Figure 15.3)

- monitoring (polling) work being performed on the tasks through a computerized network (team status, timesheet; Chapter 15, Page 6 of 7; Figure 15.5; Page 3 of 11; Figure 15.7; Figure 15.9, Page 8 of 16; Figure 15.28, Page 3 of 32);
- notifying a project team leader (project member, project/program manager, project management office, etc.) of task completion status, overdue tasks or tasks being ignored based on the monitoring (status reports, weekly reports, etc.; Chapter 15, Pages 5-10 of 32; Figure 15.32, Page 7 of 32; Chapter 16, Figure 16.13, Page 2 of 21; Chapter 24, Figure 24.10, Page 1 of 8);
- identifying/notifying resources of predecessor (prerequisites) tasks/activities (Chapter 6, Page 2 of 11; Chapter 1, Bullets 1-5, Page 4 of 7; Figure 15.3, Page 3 of 7); and
- identifying/searching for additional resources to complete tasks/activities (resource leveling, resource replacement, adding resources, etc.; Chapter 10, Page 33 of 39; Chapter 11, Page 1 of 10; Figure 11.37, Page 6 of 10).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for coordinating project resources as taught by SPPA with its ability to uniquely identify, monitor/track and report on resource activities would have benefited from controlling access to the project data as well as automatically notifying the resources of corresponding task responsibilities and associated due dates based on the project plan through the use of keys in view of the teachings of MS Project; the

resultant system/method providing secure/controlled access to the project and further facilitating project communication.

Regarding Claims 2, 9 and 16 SPPA teaches a system and method for coordinating project resources wherein the monitoring further comprises observing whether a resource is actively working on a task exclusively by observing network activity of the resource (Section 5.2, Page 309-310).

Regarding Claims 3, 10 and 17 SPPA teaches a system and method for coordinating project resources wherein a plurality of project status/phases are determined based on the plurality of monitored resource activity/project data in order to notify/inform project members/project managers as discussed above. SPPA further teaches that a plurality of rules can be defined which detect specified project conditions and trigger/invoke a plurality of events (Planning Intelligent Agents, Pages 309-310) and that the system/method provides recommendations/guidance to project managers in order to get project/activities back on track (Abstract; Column 2, Last Paragraph, Page 306).

SPPA does not expressly teach automatically scheduling a meeting of all corresponding resources if a task becomes overdue as claimed.



Official notice is taken that scheduling a meeting to discuss tasks (activities, deadlines, milestones, deliverables, etc.) that are missed, overdue, late, in-trouble or the like wherein the meeting participants are the one or more resources responsible for and/or effected by the overdue tasks/activities is old and very well known in the art of project management wherein such meetings enable the team (project manager, sponsors, clients, etc.) to discuss how to address/rectify the situation (problem, issue, schedule constraints, etc.) in order to get the project back on track/schedule.

For example a project manager would schedule a meeting upon the realization that one or more tasks (activities, milestones, etc.) is late with the resource(s) responsible (assigned) to the task in order to ascertain the cause of the delay and to offer/discuss remedies to "make up" for the delays including such things as re-scheduling the task, assigning more/different resources, changing the task or the like.

Further it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of scheduling a meeting when tasks are overdue gives you just what you would expect from the manual step. In other words there is no enhancement found in the claimed step. The claimed meeting scheduling simply automates the manual activity. The end result is the same as compared to the manual method. A computer can simply schedule the meeting in a more efficient manner. The result is the same.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for coordinating project resources as taught by SPPA with its ability to recognize overdue/late tasks and trigger one or more events would have benefited from automatically scheduling a meeting of all corresponding resources if a task becomes overdue in view of the teachings of official notice; the resultant system/method providing an mechanism for discussing/addressing the overdue tasks/activities by meeting with the involved and/or effected resources.

Regarding Claims 4, 11 and 18 SPPA teaches a system and method for coordinating project resources further comprising comprises producing periodic status reports based on the monitoring (Section 5.2, Page 309-310).

Regarding Claims 5, 12 and 19 SPPA teaches a system and method for coordinating project resources wherein resources can view/access a plurality of project data including project plans which identify project tasks/activities and their dependencies (Gantt chart; Column 2, Bullet 1, Page 309) as well as notifies resources (team members) of the project/project activities status/progress, including but not limited to when an activity/phase is completed via user-defined rules/triggers (Column 1, Last Paragraph, Page 309; Column 2, Bullets 2-5, Paragraphs 1-2; Page 309; Column 1, Bullets 3-4, Page 310).

SPPA does not expressly teach notifying resources when *prerequisite* tasks are completed as claimed.

MS Project teaches the well known step of notifying (providing, alerting, displaying, informing, etc.) resources when prerequisite (predecessor, required, precursor, etc.) tasks are completed (Chapter 6, Page 2 of 11; Chapter 1, Bullets 1-5, Page 4 of 7; Figure 15.3, Page 3 of 7) in an analogous art of project management wherein one of the key objectives in creating and distributing project plans in the form of Gantt charts, Pert charts, Network diagrams, and the like is to identify and make project resources aware of the task/activity interdependencies (e.g. dependency links start-finish, finish, start, etc.) so that resources know what they are responsible for and what (resources, tasks, etc.) they rely on and/or what tasks/activities rely on them in order to complete the project.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for coordinating resources to complete a project as taught by SPPA would have benefited from benefiting from notifying resources when precursor/prerequisite tasks were completed in view of the teachings of MS Project; the resultant system/method further assisting resources in understanding the progress of the project (project status).

Regarding Claims 6, 13 and 20 SPPA teaches a system and method for coordinating resources which understands/recognizes project/activity status, triggers one or more events based on the monitored project data as well as provides recommendations/solutions to correct project issues/problems (Abstract; Column 2, Last Paragraph, Page 306).

SPPA does not expressly teach automatically searching for additional resources for tasks that are overdue as claimed.

MS Project teaches searching (identifying, locating, finding, etc.) for resources for tasks that are not assigned and/or resources that are over/under utilized (allocated; resource leveling, resource replacement, etc.; Chapter 10, Page 33 of 39; Chapter 11, Page 1 of 10; Figure 11.37, Page 6 of 10) in an analogous art of project management for the purposes of effectively managing the completion of the project by insuring all tasks are assigned and all resources are properly loaded.

MS Project does not expressly teach identifying/searching for additional resources when tasks are *overdue* as claimed.

Official notice is taken that identifying/searching/finding and assigning resources to project tasks/activities (milestones, deliverables, etc.) that are missed, overdue, late, in-trouble or the like is old and very well known in the art of project management

wherein project teams/managers identify and assign additional and/or alternative resources in order to get the project back on track/schedule.

For example the project manager would schedule a meeting upon the realization that one or more tasks (activities, milestones, etc.) is late with the resource(s) responsible (assigned) to the task in order to ascertain the cause of the delay and to offer/discuss remedies to “make up” for the delays including such things as re-scheduling the task, assigning more/different resources, changing the task or the like.

Further it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of searching for resources when tasks are overdue gives you just what you would expect from the manual step. In other words there is no enhancement found in the claimed step. The claimed searching for resources simply automates the manual activity. The end result is the same as compared to the manual method. A computer can simply search for resources in a more efficient manner. The result is the same.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for coordinating project resources as taught by the combination of SPPA and MS Project with its ability to recognize overdue/late tasks and trigger one or more events as well as make recommendations to get the project back on track/schedule would have benefited from automatically searching for resources if a

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task becomes overdue in view of the teachings of official notice; the resultant system/method providing an mechanism for addressing/solving the overdue tasks/activities by adding resources to “make up” the schedule.

Regarding Claims 7 and 14 SPPA teaches a system and method for coordinating project resources wherein the monitoring further comprises a polling function (PAMPA; Abstract; Section 3, Page 307; Figure 1).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Jannette et al., U.S. Patent No. 5,761,063, teach a system and method for coordinating resources to complete a design project, which monitors and reports on the project's progress.

- Miller et al., U.S. Patent No. 5,899,979, teach a system and method for automatically scheduling meetings (appointments, etc.) related to tasks/activities onto a calendar/schedule.

- Suzuki et al., U.S. Patent No. 5,950,021, teach a system and method for coordinating resources to complete a design project (concurrent engineering) wherein the system/method monitors resource activity over a network (dynamic tracking of project data and resources).

- Tang et al., U.S. Patent No. 5,960,173, teach a system and method for coordinating resources to complete a project wherein the system/method monitors/tracks resource activities.

- Page et al., U.S. Patent No. 6,212,549, teach a system and method for coordinating resources to complete a project wherein the system/method comprises a plurality of subsystems/components including search, notification and reporting (briefing).

- Cohen et al., U.S. Patent No. 6,507,845, teach a system and method for coordinating resources to complete a project which tracks/monitors resource activities.

- Saito et al., U.S. Patent No. 6,578,006, teach a system and method for coordinating resources to complete a project wherein the system/method combines project management and workflow subsystems.
- Giammaria, Alberto, U.S. Patent No. 6,604,237, teaches a system and method for automatically monitoring resource activity.
- Mitchell et al., U.S. Patent No. 6,944,622, teach a system and method for managing projects.
- Simmons et al., Manager Associate (1993) teach a system and method for coordinating resources to complete a project wherein the system/method utilizes information collected about resource network activities to report on the project's status/phase, identify issues/problems (plan vs. actual) and recommend solutions/approaches for getting the project back on track (e.g. reassign resources, add additional resources, etc.).
- Hameria, Ari-Pekka, Project Management in a long-term and global one-of-a-kind project (1997) teach a system/method for coordinating resources to complete a design project wherein the system/method collects/monitors a plurality of resource activity information in order to assist project managers in effectively managing the project.
- Hameria et al., Distributed New Project Development Project Based on Internet and World Wide Web (1997) teach a system and method for coordinating resources to complete a design project wherein the system monitors/tracks a plurality of resource



network activities in order to “follow the progress of the project on a continuous basis”, “increase the efficiency of resources” and the like.

- Hilbert et al., An Approach to Large-Scale Collection of Application Usage Data over the Internet (1998), teach a system and method for coordinating resources to complete a design project wherein the system/method monitors/tracks a plurality of resource network activity data and utilizes the data to assist the team/project manager effectively manage the project. Hilbert et al. further teach that the system is restricted to project teams and protected from external use via a security mechanism.

- Puittinen et al., Measuring and visualizing information transfer in networked collaboration (1999) teach a system and method for coordinating resources to complete a project wherein the system/method monitors a plurality of resource network activity in order to “evaluate the progress and proactively improve the performance” of the project.

- Simmons et al., Plan Tracking Knowledge Base (2000) teach a system and method for managing projects (PAMPA, CLAMP) wherein the system/method tracks/monitors and reports on a plurality of resource network activity in order to assist project teams/managers to effectively manager projects.

- Eloranta et al., Improved project management through improved document management (2001) teaches a system/method for coordinating resources to complete a project wherein the system/method utilizes a plurality of resource network activities to assist project managers/team effectively manage projects (CERN TuoviWDM).

- Simmons et al., Software Measurement – A Visualization Toolkit (1998) teaches a system and method for coordinating project resources wherein a plurality of

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information is collected/monitored in order to assist project managers/team members effectively manage projects (PAMPA).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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